IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.794 OF 2007
IN
CRIMINAL APPEAL NO.646 OF 2007

Vittahal Gunaji Bhosale. ..Applicant.
Versus
The State of Maharashtra. ..Respondent.

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Ms.Sarojini Upadhayay, Adv. appointed for the Applicant.
Mrs.U.V.Kejariwal, APP, for the State.

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CORAM : R.M.S.KHANDEPARKAR AND SMT.V.K.TAHILRAMANI,JJ.
DATED : SEPTEMBER 21, 2007.

P.C.:-

1. Heard the learned Advocate appointed for the applicant and the learned APP for the State.

2. The applicant has preferred this application through jail for condonation of delay caused in filing Appeal i.e. Criminal Appeal No.646 of 2007. There is delay of eight years and five days in filing the Appeal.

3. It is the case of the applicant that he had given certified copy of the judgment and order to his Advocate and he could not get the same back from the Advocate. But the name of the Advocate has not been given by the applicant

nor the date when the copy was given to the Advocate is stated in the application. No particulars are given in the present application. So also no reason is given as to why the applicant could not prefer this application through jail. It was always open to the applicant to prefer an Appeal against the conviction and an application for condonation of delay through jail. Facilities have been provided in jail to the convicts for having the appeals scribed and sent through jail to the Court. Infact the present appeal has been filed, in this fashion, through jail. There is no explanation why the same step was not taken many years prior to the filing of the present appeal.

4. Looking to the facts and circumstances of the case, we do not find any good or sufficient reason has been made out for condonation of delay. Hence, application for condonation of delay is rejected.

[R.M.S.KHANDEPARKAR,J.]

[SMT.V.K.TAHILRAMANI,J.]